

Supreme Court of Kentucky

ORDER

**IN RE: ORDER APPROVING AMENDMENT TO APPENDIX B OF THE
RULES OF COURT PRACTICE AND PROCEDURE FOR THE
22ND JUDICIAL CIRCUIT, FAMILY COURT DIVISION, FAYETTE
COUNTY**

Upon recommendation of the Judges of the 22nd Judicial Circuit,
Fayette County, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 22nd Judicial Circuit,
Family Court Division, Fayette County, are hereby approved. This order shall
be effective as of the date of this Order, and shall remain in effect until further
orders of this court.

Entered this the 20th day of January 2017.


CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF PRACTICE
OF THE
FAYETTE FAMILY COURT
22ND JUDICIAL CIRCUIT**

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RULE 1. INTRODUCTION / ADMINISTRATIVE PROCEDURES

101. Introduction / Preface

These are the Uniform Rules of Court Practice and Procedures of the Fayette Circuit Court, Family Division (Fayette Family Court). These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). Pursuant to FCRPP 1(3), self represented litigants shall be held to knowledge of these rules the same as parties represented by counsel. Official Forms (FC 1-9) are identified in Appendix A of these Rules and are available in the Friend of the Court/Family Court's Office on the Fourth Floor, Fayette County Circuit Courthouse, or on the website, <http://courts.ky.gov/circuitcourt/familycourt/sites/fayette/default.htm>.

102. Effective Date

These rules are adopted pursuant to the authority granted by Rule 1.040(3) of the Rules of the Kentucky Supreme Court and they shall apply with full force and effect to all actions filed or pending after their promulgation by order of the judges of the Fayette Family Court and approval by the Chief Justice of the Supreme Court.

103. Citation

These rules apply to the practice of law in the Fayette Family Court and shall be cited as "RFFC" or "Rules of the Fayette Family Court."

104. Organization

A. Jurisdiction. The Fayette Family Court has jurisdiction of the following cases:

- | | |
|------------------------------------|----------------------------------|
| • Adoptions | • Domestic Violence |
| • Child Custody and/or Timesharing | • Juvenile Status Offenses |
| • Child Support Proceedings | • Paternity |
| • Dependency, Neglect and Abuse | • Termination of Parental Rights |
| • Dissolution of Marriage | |

B. Divisions. The Fayette Family Court shall consist of four (4) numbered divisions, namely:

First Division
Second Division
Fifth Division
Sixth Division

105. Assignments

A. Assignment of Cases. At the time of filing of a complaint, petition or other initiating pleading, the Clerk of the Court shall review the Court's records to determine whether the family involved has had any prior contact with the Fayette Family Court. If no contact is revealed, the case shall be assigned to a numerical division of the Fayette Family Court by random assignment, and scheduled for further proceedings in accordance with these

rules. If prior contact is revealed, the case shall be assigned to the numerical division of the Fayette Family Court which issued the first order concerning the family.

- B. Assignment of Judges.** Cases shall be assigned, as provided by these Rules, to the divisions of the Fayette Family Court so as to distribute the workload of the Court as equally as possible among the judges. The judge of one division of the Fayette Family Court may preside over and determine any case or question in any other division of the Fayette Family Court and sign any order or judgment submitted for entry when a judge of that division is sick, or absent from the county or is otherwise unavailable.
- C. Transfer of Cases.** After a case has been assigned to a division of Fayette Family Court, the judge thereof may for good cause transfer the case by written order from that division when: (1) there has been a recusal, or (2) the case has been transferred with the judge's consent. On recusal, the Court Administrator shall make a random assignment of cases that are transferred from one division of Fayette Family Court to another division of Fayette Family Court. The Court Administrator shall file the order of transfer in the record and serve a copy upon all parties of record. Upon such transfer being made, the Clerk will make a proper endorsement upon the docket and the record.
- D. Consolidation of Cases.** When two (2) or more cases have been filed that may as a matter of right, or may, in the discretion of the Court, be consolidated and such cases are pending in different divisions of the Fayette Family Court, any party to any of the cases, or the Court without motion, may have any of the cases transferred to that division of the Court in which the first of the cases was filed. If it is determined that consolidation is not proper, the judge of that division may transfer the case back to the original division.

RULE 2. COURT SCHEDULING/ MOTION HOUR / PROCEDURES FOR FILING

201. Regular Motion Hour Schedule

The following is the general court schedule for Fayette Family Court. Changes may occur in docket times and places at the discretion of the Court. All changes will be posted on the Court's web site at <http://courts.ky.gov/circuitcourt/familycourt/sites/fayette/familydocketchanges.htm> and on the courthouse monitors. The schedule posted on the web site and the monitors shall be controlling and it is the responsibility of a party to check the web site and courthouse monitors to determine the appropriate time and place for any docket.

A. First Division Dockets:

1. Status Offenses: Each Thursday at 3:00 p.m., Fayette District Court Building, CTRM #1, 2nd Floor.
2. Dependency, Neglect and Abuse: Each Wednesday at 1:00 p.m. Initial Hearings, 1:30 p.m. Pretrials, 2:00 p.m. Dispositions, 2:30 p.m. Reviews - all held in the Fayette District Court Building, CTRM #1, 2nd Floor.
3. Paternity: Each Thursday at 11:30 a.m. (with Judge taking the bench at 2:00 p.m. to give the County Attorney time to conference the cases), Fayette District Court Building, CTRM #1, 2nd Floor.
4. Domestic Violence: Each Wednesday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.

5. Child Support Enforcement: Each Thursday at 8:30 a.m. (with Judge taking the bench at 11:00 a.m., to give the County Attorney time to conference the cases), Fayette Circuit Court Building, CTRM G, 4th Floor.
6. Domestic Relations: Each Friday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.

B. Second Division Dockets:

1. Status Offenses: Each Tuesday at 11:00 a.m., Fayette District Court Building, CTRM #1, 2nd Floor.
2. Dependency, Neglect and Abuse: Each Wednesday at 8:30 a.m. Initial Hearings, 9:00 a.m. Pretrials, 9:30 a.m. Dispositions, 10:00 a.m. Reviews - all held in the Fayette District Court Building, CTRM #1, 2nd Floor.
3. Paternity: Each Thursday at 11:30 a.m. (with Judge taking the bench at 2:30 p.m. to give the County Attorney time to conference the cases), Fayette District Court Building, CTRM #7, 4th Floor.
4. Domestic Violence: Each Tuesday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Each Thursday at 11:00 a.m. (with Judge taking the bench at 1:30 p.m., to give the County Attorney time to conference the cases), Fayette Circuit Court Building, CTRM I, 4th Floor.
6. Domestic Relations: Each Friday at 12:30 p.m., Fayette Circuit Court Building, CTRM I, 4th Floor.

C. Fifth Division Dockets:

1. Status Offenses: Each Monday at 12:00 noon, Fayette District Court Building, CTRM #1, 2^d Floor.
2. Dependency, Neglect and Abuse: Every Monday at 1:00 p.m. Initial Hearings. The 1st, 2nd and 3rd Mondays of the Month 1:30 p.m. Pretrials, 2:00 p.m. Dispositions, 2:30 Reviews - all held in the Fayette District Court Building, CTRM #1, 2nd Floor. *There will not be a docket for Pretrials, Dispositions and Reviews on the fourth (4th) Monday of each month unless a State Holiday has cancelled a previous Monday docket in that month.*
3. Paternity: Each Thursday at 8:30 a.m. (with Judge taking the bench at 12:00 p.m. to give the County Attorney time to conference the cases), Fayette District Court Building, CTRM #1, 2nd Floor.
4. Domestic Violence: Each Monday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Each Thursday at 11:00 a.m. (with Judge taking the bench at 2:30 p.m., to give the County Attorney time to conference the cases), Fayette Circuit Court Building, CTRM G, 4th Floor.
6. Domestic Relations: Each Friday at 1:30 p.m., Fayette Circuit Court Building, CTRM D, 2nd Floor.

D. Sixth Division Dockets:

1. Status Offenses: Each Monday at 12:00 noon Initial Hearings, and 2:00 p.m. Pretrials, Dispositions, and Reviews, Fayette District Court Building, CTRM #7, 4th Floor.
2. Dependency, Neglect and Abuse: Each Monday at 9:00 a.m. Initial Hearings, 9:30 a.m. Pretrials, 10:00 a.m. Dispositions, 10:30 a.m. Reviews - all held in the Fayette District Court Building, CTRM #7, 4th Floor.
3. Paternity: Each Thursday at 8:30 a.m. (with Judge taking the bench at 11:30 a.m. to give the County Attorney time to conference the cases), Fayette District Court Building, CTRM #7, 4th Floor.
4. Domestic Violence: Each Thursday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Each Thursday at 10:00 a.m. (with Judge taking the bench at 12:30 p.m. to give the County Attorney time to conference the cases), Fayette Circuit Court Building, CTRM H, 4th Floor.
6. Domestic Relations: Each Friday at 10:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.

202. Motions

A. Form of Motion

1. Unless a motion may be heard ex parte or a rule allows otherwise, all motions to be heard shall be noticed for hearing, original filed with the Clerk, and copies served by mail, hand delivery /or electronic transmission pursuant to CR 5.02 on all parties. The notice of the hearing shall specify the date, time, and place for the hearing. When appropriate, counsel may specify the time of the hearing according to when the presiding Judge begins hearing cases on the docket.
2. A motion to compel disclosure statements, releases, discovery, for a protective order, or for sanctions may be filed pursuant to CR 26 and/or CR 37 and RFFC 706.D only if counsel are unable to resolve between themselves the discovery dispute. Counsel have the duty to make a good faith effort to resolve any disputes which arise in the course of discovery. The moving party shall attach to the motion a certification of counsel that he or she has attempted to resolve the dispute and that they have been unable to do so. The certification should detail the attempts of counsel to resolve the dispute.

B. Noticing of Motion

An attorney should respect opposing counsel's schedule by seeking an agreement on the date to notice a motion rather than merely serving notice. In the event that an attorney is notified by opposing counsel that he or she is unavailable due to a conflict for any motion that is not of an emergency nature, the attorney having filed the motion shall agree to continue the motion or obtain an alternate hearing date that is mutually acceptable to both counsel.

C. Filing Deadlines

1. Unless otherwise allowed by rule or statute, all motions to be heard on a docket must be filed with the Clerk and served on the parties no later than 72 hours prior to the noticed docket. Responses shall be filed with the Clerk and served on the parties no later than 24 hours prior to the noticed docket.
2. A courtesy copy of all responses shall be provided to the Judge's office no later than 24 hours prior to the noticed docket.
3. Motions to be heard on the Domestic Relations docket must be filed no later than 4:00 p.m. on the Monday preceding the Domestic Relations docket designated on the notice, unless the Court has given a party leave to file the motion at another time. Should the Court be closed on the Monday preceding the Domestic Relations docket, the motion may be filed before 12:00 p.m. on the Tuesday preceding the Domestic Relations docket.
4. It is the obligation of each attorney, or each party if unrepresented by an attorney, to ascertain whether a motion docket has been canceled or rescheduled by the Court.

203. Pleadings

A. Form and Content

All pleadings shall be typewritten on one side only in black ink on 8½" by 11" unglazed white paper with a minimum 12 point type, double spaced and a minimum of 1 ½ inch on the top and 1" margin on all other edges as well and be clearly readable. Typewritten includes those produced by computer printer. Pleadings that deviate from this rule may be accepted at the Judge's discretion and upon proper motion. AOC forms, exhibits and printed briefs are exempt from this rule.

B. Electronic Service

An attorney or party who will accept service via electronic mail pursuant to CR 5.02 shall provide a written statement notifying the Court and all parties of the correct electronic mail address and of his or her agreement to accept such service. The written statement shall be included immediately above the signature block and titled "NOTICE-ELECTRONIC SERVICE" or filed in a separate pleading. The written statement shall be valid in that particular action only and may be revoked by a subsequent written statement filed in a separate pleading.

C. Waiver of Service of Summons/Entry of Appearance

A responding party may sign and execute a Waiver of Service of Summons/Entry of Appearance but it must be on Form FC-1 or prepared by counsel. The original shall be filed in the record and the date of filing shall have the same effect as is if process had been served.

204. Orders

A. Preparation and Endorsement

1. When a ruling is made or opinion rendered, an order or judgment in conformity therewith shall be prepared by the movant or as directed by the Court and signed by

counsel for all parties thereto as being in conformity to the ruling or opinion, and shall be presented to the Court.

2. Unless otherwise required by rule or statute, the signatures required by paragraph 1 above shall not be required where:
 - a. Counsel for the party(s) against whom the order is to be entered refuses to sign the order;
 - b. Unless otherwise ordered by the Court, counsel for the party(s) against whom the order is to be entered fails to return the order to counsel who prepared it within three (3) business days of receipt of order;
 - c. The party against whom the order is to be entered is not represented by counsel; or
 - d. There was no opposition to the motion at the call of the docket.
3. Where any of the above is applicable, preparing counsel shall so attest on the order.
4. In the event counsel disagree on whether a proposed order is in conformity with the judge's ruling, counsel shall notify each other of the disparity, and within five (5) business days of notice, shall review the video tape of the hearing, and if still in disagreement, counsel shall tender a joint statement to the judge with both proposed orders attached thereto for entry by the Court. The statement shall reference the tape citation to the judge's ruling.
5. Proposed orders shall not be filed or submitted with a motion.

B. Entry

When signed by the judge, the order or judgment shall be delivered to the Clerk for entry. The party preparing the order or judgment shall also deliver to the Clerk a sufficient number of copies together with properly addressed stamped envelopes to permit the Clerk to complete service thereof to the parties as required by CR 77.04. Counsel may waive service of any order or judgment, and notice of entry.

C. Agreed Orders

If an agreed order, signed by counsel for all parties affected, relating to a motion appearing on a docket is submitted to the Clerk prior to the call of the docket, counsel need not attend the call of the docket. The agreed order shall refer to the Motion resolved in the agreed order and set forth the terms of the agreement.

D. Orders of Submission

1. Upon submission of any matter to the Court for decision or final judgment, the parties shall prepare and present to the Court an order of submission setting forth in particular the issue or issues on which the matter is submitted.
2. An action shall be submitted only upon the entry of an order of submission. The order of submission along with the record shall be placed in the appropriate order/judgment box in the Clerk's office.
3. No further pleadings, proof or briefs, unless ordered or allowed by the Court for good cause shown, shall be filed after the entry of the order of submission.

4. The Court may, but need not, rule upon any such matter(s) before the order of submission is entered.
5. In accordance with KRS 454.350, the Court shall file an opinion or report within ninety (90) days of the entry of the order of submission.

E. Show Cause Orders

1. To procure an order requiring a party to show cause why he or she should not be held in contempt for violation of a court's order, a motion supported by a sufficient affidavit showing that applicant is entitled to the order must be filed.
2. When this motion and affidavit are filed, an Order may be issued ex parte which shall not come on for a hearing sooner than five (5) days from the date it is served, unless otherwise ordered by the Court. The Respondent shall appear on the date noticed for hearing, but may be entitled to a continuance if served less than 5 days from the date noticed.
3. No order shall come on for hearing unless it has been served on the person named in the Order by an Officer authorized to serve a summons. The Order shall contain a short statement of the grounds for its issuance and the following statement: IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER FOR YOUR ARREST WILL ISSUE.

205. Default Judgment

- A. A written motion must be filed by a party seeking a judgment by default under CR 55.01. The motion shall be accompanied by: (1) a certificate of the attorney that the opposing party has been served and that no papers have been served upon the attorney by the party in default; and (2) an affidavit stating whether the party in default is in the military service. See also FCRPP 3(2) regarding default cases.
- B. If the party in default has appeared in the action, the motion shall appear on a docket and the party in default, or if the party is appearing by representative, the party's representative, shall be served with written notice of the motion at least 72 hours prior to the noticed docket. If the action is ordered submitted at the hearing of the docket, the party seeking the judgment shall place the entire record in the action and proposed judgment in the appropriate division's orders/judgments box in the Clerk's office or deliver same to the Judge's office.
- C. A party seeking a judgment by default in a dissolution proceeding must in addition comply with RFFC 710

206. Filing of Cases Cited Within Legal Briefs and Memoranda

Copies of published cases cited within legal briefs or memoranda shall not be filed or tendered to the Judge unless otherwise ordered. Copies of unpublished cases cited pursuant CR 76.28(4)(c) shall be tendered to the Court and to all parties upon filing.

207. Answering and Filing Interrogatories or Requests

- A. Interrogatories propounded under CR 33 and answers thereto, requests for production or inspection under CR 34 and answers thereto, and requests for admissions under CR 36

shall not be filed with the Court. A one-page notice of service under CR 33, CR 34, and CR 36 shall be filed in the record to indicate initial service of and response to discovery. The filing of such notice shall prevent the case from being placed on the show cause docket.

- B. When propounding interrogatories and requests upon a pro se litigant or upon written request of counsel, the propounder of interrogatories or requests shall leave adequate room for reply between questions. When possible and upon request by opposing counsel, the propounder of the interrogatories or requests shall provide opposing counsel with a modifiable electronic copy formatted in Microsoft™ Word or Corel™ Word Perfect of said interrogatories and requests.

208. Dismissal of Action for Failure to Prosecute

Pursuant to CR 77.02(2), when any action has remained on a docket for one (1) year without any step being taken indicating an intention to prosecute, the action may be dismissed for want of prosecution on motion of either party or on the Court's notice or motion.

RULE 3. ADOPTIONS / TERMINATION OF PARENTAL RIGHTS

301. Adoption Proceedings

A. Petition

The petition shall be filed pursuant to KRS Chapter 199, and in accordance with FCRPP 32 and 33, and a guardian ad litem (GAL), shall be appointed for the child(ren), unless the provisions of KRS 199.480(3) are met.

B. Reports

Any reports from the CHFS or other agencies shall be filed within ninety (90) days of the filing of the petition unless extended by the Court.

C. Hearing Dates

After the statutory time periods have been met, counsel for the petitioner(s), on notice to the necessary parties, shall obtain a hearing date directly from the Court.

302. Orders Setting Final Hearing

A. Final Hearing Dates

No adoption proceeding shall be assigned a final hearing date until the report of the GAL is filed in the record. Counsel shall tender all necessary paperwork and proposed orders to the Court seven days prior to the hearing for review.

B. Orders Setting Final Hearings

Orders setting final hearing shall be signed by counsel for petitioner(s) and the GAL before submission to the court for entry.

303. Costs and Fees

An affidavit for costs and attorney's fees must be filed with the Court, and are subject to approval by the Court.

304. Voluntary Termination Proceedings

A. Petition

The Petition shall be filed pursuant to KRS Chapter 625 and FCRPP 32.

B. Guardian Ad Litem (GAL)

The Court shall appoint a GAL on behalf of the child, and, upon request, attorneys for the parents, if indigent.

C. Hearings

Within three (3) days of the filing of the Petition, a hearing shall be set to be heard within thirty (30) days. Upon filing the Petition, Petitioner shall tender a courtesy copy of the Petition and a blank scheduling order to the Judge.

D. Expenses

Any expenses paid by the prospective adoptive parent(s) shall be submitted to the Court per KRS 625.0405(2).

305. Involuntary Termination

A. Petition

The petition shall be filed pursuant to KRS Chapter 625 and FCRPP 32 and 34.

B. Guardian Ad Litem

The Court shall appoint a GAL for the child, and attorneys for the parents pursuant to KRS 625.080(3), if indigent.

C. Pretrial Date

Immediately upon filing Petitioner shall obtain a pretrial date per FCRPP 34 directly from the Court and shall serve a copy of the Order upon the parents and GAL with the Petition and Summons. A copy of the Order shall be served upon any appointed counsel immediately following appointment.

D. Hearings

A hearing shall be held within sixty (60) days of a motion for trial date.

306. Confidentiality

All Adoption and Termination of Parental Rights proceeding shall be confidential.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

401. Domestic Violence Protocol

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 22nd Circuit and District Court shall also be a part of these Rules and is attached as Appendix B. See also FCRPP 10 through 13.

402. Relief

Pursuant to KRS 403.750, the Court may issue any relief necessary to prevent further acts of domestic violence, including those relating to custody, timesharing and support, or counseling as required, and may order monitoring by various agencies.

403. Child Support Orders

All child support orders shall comply with FCRPP 9.

404. Motions to Modify Child Support

Motions to Modify Child Support shall comply with RFFC 705.

405. Court Appearance

Only the Court may excuse a party from a court appearance.

RULE 5. PATERNITY

501. Establishment of Paternity

Establishment of Paternity may be prosecuted by the County Attorney or the Cabinet for Health and Family Services (CHFS) upon request by a complainant pursuant to KRS 406.021.

502. Genetic Testing

The Court may order the mother, child and alleged father to submit to genetic testing pursuant to FCRPP 15.

503. Custody and Transfer Orders

- A. Upon a determination of paternity, the Court may consider custody, timesharing and support and issue temporary orders therefore within the paternity action. The Court may order permanent custody orders only if the jurisdictional and pleading requirements of KRS 403 have been met.
- B. If the Court in its discretion determines that transfer of the custody, timesharing, and support issues pursuant to FCRPP 14 is appropriate, the Court shall enter a transfer order directing the moving party to pay the civil action filing fee and indicating what portions of the paternity case, if any, shall be transferred into the civil action file and what information, if any, is to be placed under seal. The Court shall also indicate whether the moving party shall file with the civil court a sufficient initiating pleading in compliance with KRS 403, or indicate on the transfer order whether the order itself or certain documents filed within the paternity action and transferred to the civil action are sufficient to act as the initiating pleading in the civil action. The Court may require the moving party to draft a proposed transfer order in conformity herewith.

504. Motions and Orders Generally

Unless otherwise allowed by statute, rule or the Court, all motions and orders in paternity proceedings shall comply with RFFC 202 and RFFC 203.

505. Motions to Set Child Support

Motions to Set Child Support shall comply with RFFC 704.

506. Motions to Modify Child Support

Motions to Modify Child Support shall comply with RFFC 705.

507. Child Support Orders

All child support orders shall comply with FCRPP 9.

RULE 6. DEPENDENCY, NEGLECT AND ABUSE

601. Petition

A petition pursuant to KRS Chapter 620 and FCRPP 20 shall be filed on AOC-DNA-1 seeking removal or non-removal of a child alleged to be dependent, neglected or abused.

602. Emergency Custody Order

An emergency custody order may be issued pursuant to KRS 620.060 and FCRPP 19, followed by a hearing within seventy-two (72) hours, at which time attorneys shall be appointed as necessary for the parents who are indigent and a guardian ad litem for the child.

603. Warning Order Attorney

If an absent parent is known or alleged, but the whereabouts are unknown, a Warning Order Attorney shall be appointed to attempt to effectuate service on the absent parent.

604. Court Appointed Counsel

If an attorney is appointed as either counsel for a parent or as guardian ad litem, the written notation on the Court's docket sheet shall be sufficient for the written entry of appearance by counsel in accordance with FCRPP 26.

605. CASA

Pursuant to KRS 620.505, the Court may also appoint a Court Appointed Special Advocate (CASA) volunteer to represent the best interest of the child in court.

606. Pretrial Conference

A pretrial conference shall be set for the purpose of determining whether the parties intend to stipulate the facts; or, to set an adjudication hearing.

607. Reports

The Dispositional Review pursuant to FCRPP 28 and CASA reports shall be filed in the record and a copy shall be given to the judge and counsel three (3) days prior to the disposition hearing or review. Failure to comply with this rule may result in the Court's continuance of the hearing or review.

608. Disposition Hearing

A disposition hearing shall be held pursuant to KRS 610.110 and 620.140. Permanency placement reviews required by FCRPP 30 shall be set at the disposition.

609. Case Progress Report

The case progress reports required by KRS 620.240 shall be prepared, filed and delivered to each party in every case in which a child is committed to the Cabinet for Health and Family Services within six (6) months of the disposition hearing.

610. Annual Permanency Reviews

Annual permanency reviews shall be held pursuant to KRS 610.125.

611. Confidentiality

All proceedings shall be confidential.

RULE 7. DOMESTIC RELATIONS PRACTICE

701. VS-300 Form

The party filing the petition for dissolution of marriage shall tender to the clerk, at the time of filing, a completed VS-300 Form typed and with signature in black or blue ink. A blank VS-300 Form is available from the Fayette County Circuit Clerks Office. Handwritten forms will not be accepted.

702. Fayette County Time-Sharing Guidelines

The Court may order time-sharing/visitation pursuant to FCRPP 8(1) or the Fayette County Timesharing Guidelines attached as Appendix C (Form FC-9), considering the children's best interest.

703. Relocation of Children

Pursuant to FCRPP 7(2)(a), if either parent or custodian intends to move with the children from his or her present residence, he or she shall give written notice to the other parent or custodian at least 60 days prior to such move. Residential addresses of domestic violence petitioners shall not be required in the notice if there is an existing domestic violence order. Either parent or custodian may file a motion for change of custody or timesharing if the other parent or custodian is not in agreement with the move or an agreed order if they are in agreement. No relocation of the children that would result in a material change in the status quo shall occur without a written agreement or court order.

704. Temporary Motions

- A. The Court, in its discretion, may determine a temporary motion relating to maintenance, support or custody upon the record or may permit the introduction of evidence by oral testimony. All motions filed for temporary maintenance or support shall comply with FCRPP 5(1) and (2) and 9(4).

- B. A motion relating to temporary child custody, support or maintenance may be expedited, on motion, at the discretion of the Court. An ex parte motion relating to these issues must be accompanied by supporting affidavit(s) sufficient to state grounds for injunctive relief.
- C. In addition to the requirements of FCRPP 9, a motion for temporary child support shall be accompanied by verification of child care and health insurance costs if applicable.

705. Motions to Modify or Enforce Child Support or Maintenance

- A. Any motion to modify child support shall comply with FCRPP 9(5) or (6), and except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties 10 days prior to the hearing and counsel has certified that reasonable efforts were made to resolve the issues in dispute.
- B. Any motion to modify maintenance shall comply with FCRPP 5(3) or (4), and except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties 10 days prior to the hearing and counsel has certified that reasonable efforts were made to resolve the issues in dispute.
- C. The exchange of current financial documentation shall not be required for post decree motions to enforce maintenance or child support orders.

706. Preliminary Verified Disclosure Statement and Releases

- A. To facilitate and expedite the resolution of dissolution proceedings by requiring the parties to make a full and prompt disclosure of all relevant information, each party, except for good cause shown or by agreed order, shall serve upon the other a Preliminary Verified Disclosure Statement AOC-238 pursuant to FCRPP 2(3) and provide signed releases upon request for relevant information pursuant to FCRPP 2(4).
- B. Copies of the Preliminary Verified Disclosure Statements or objections thereto shall not be filed in the record pursuant to FCRPP 2(3) unless by a written order of the Court or notation on the docket sheet. However, these Statements may be used for purposes of impeachment and all other purposes allowed under the Kentucky Rules of Evidence.
- C. Except with leave of Court for good cause shown or by agreed order, a party shall not conduct formal discovery pursuant to CR 30, CR 31, CR 33, CR 34 or CR 36 relative to matters addressed in the Preliminary Verified Disclosure Statement until that party's Statement has been served in accordance with FCRPP 2(3).
- D. A party may, upon reasonable notice to other parties and all persons affected thereby, apply for an order compelling the exchange of the Preliminary Verified Disclosure Statement or the execution of a release, and the Court may assign the costs of obtaining the order, including attorney's fees, to the party or attorney whose conduct necessitated the motion.

707. Time of Final Contested Hearing or Submission

- A. A proceeding for dissolution of marriage will not be assigned for final contested hearing or submitted upon deposition until 20 days (or 60 days, if there are minor children of the

parties) have elapsed from the date of service of summons, the appointment of a warning order attorney or the filing of an entry of appearance or a verified responsive pleading by the Respondent, whichever first occurs, following the filing of the petition and issuance of the summons.

- B. If service is by warning order, a proceeding for dissolution of marriage will not be assigned for final contested hearing or submitted upon deposition until 50 days (or 60 days, if there are minor children of the parties) have elapsed from the date of the entry of the warning order. The report of the warning order attorney shall be filed before assignment of a final contested hearing or the submission upon deposition.

708. AOC Form-152, Uniform Child Support Order and/or Wage Benefit / Withholding Order for Kentucky Employers

AOC Form-152, Uniform Child Support Order and/or Wage Benefit/Withholding Order for Kentucky Employers is required to be filed pursuant to FCRPP 9(2) and shall include the signature of the non-preparing party unless the order is prepared by the office of the County Attorney or Attorney General or otherwise waived by the Court.

709. Uncontested Dissolution Proceedings

Form of Testimony: Testimony in an uncontested dissolution proceeding may be taken by oral testimony before the Court or by deposition upon written question. It is the obligation of each attorney, or each party if unrepresented by an attorney, to ascertain the procedure used by each Family Court Judge to finalize uncontested divorces. The deposition shall be in compliance with Form FC-3, Written Deposition.

1. **1st Division Cases:** Any party represented by counsel may move the Court for a dissolution by deposition upon written questions. Parties not represented by counsel must move the Court for an uncontested trial date.
2. **2nd Division Cases:** Any party represented by counsel may move the Court for a dissolution by deposition upon written questions or may move the Court for an uncontested trial date.
3. **5th Division Cases:** Any party represented by counsel may move the Court for a dissolution by deposition upon written questions or may move the Court for an uncontested trial date.
4. **6th Division Cases:** Uncontested dissolution proceedings will be taken by deposition upon written questions unless otherwise ordered by the Court.

710. Party in Default

Unless otherwise ordered by the Court, an uncontested dissolution proceeding wherein the other party is in default may be submitted to the Court through the clerk for decision if the following is included:

1. A motion requesting the case proceed for submission on default, said motion being noticed to be heard at the convenience of the court, with Form FC-2, Affidavit of the Non-Defaulting Party for Submission, attached, and an order submitting the case for decision on written deposition
2. A completed and sworn deposition upon written questions, said deposition to be in compliance with Form FC-3, Deposition Upon Written Questions.
3. Unless otherwise directed by the Court, a proposed Findings of Fact signed by the submitting party.
4. A proposed decree, signed by the submitting party.
5. Form AOC-152, Uniform Child Support Order and/or Wage Benefit/ Withholding Order for Kentucky Employers, if applicable, and a completed Child Support Guidelines Worksheet.
6. Affidavit of Counsel as required by FCRPP 3(2).
7. Sufficient number of copies of the order of submission and decree together with properly addressed and stamped envelopes to permit the Court to complete service thereof to the parties.

711. Party Not in Default

Unless otherwise ordered by the Court, an uncontested dissolution proceeding wherein a party is not in default may be submitted to the Court through the Clerk for decision when the following is included:

1. An agreed order signed by both parties, or counsel for both parties, submitting the case for decision on written questions and attaching a completed Form FC-4 Affidavit of Parties(or Non-Defaulting Party) or Joint Motion for Submission that is compliant with FCRPP 3(1).
2. A completed and sworn deposition upon written questions, said deposition to be in compliance with FC-3, Deposition Upon Written Questions.
3. Form AOC-152, Uniform Child Support Order and/or Wage Benefit/Withholding Order for Kentucky Employers, if applicable.
4. A completed Child Support Guidelines Worksheet CS-71, even if a deviation has been agreed upon.
5. Any original property settlement agreement, said agreement shall have been witnessed, bear the original signature of the parties, and shall contain the following language below the signatures of the parties, "Approved and incorporated by reference," and a signature and date line for the Judge.

6. Unless otherwise directed by the Court, a proposed Findings of Fact signed by both parties or counsel for both parties.
7. A proposed decree, signed by both parties or counsel for both parties.
8. Sufficient number of copies of the order of submission and decree together with properly addressed and stamped envelopes to permit the Court to complete service thereof to the parties.

712. Contested Dissolution Proceedings

A. Conferences

A Case Management Conference pursuant to FCRPP 2(6) or a Pre-Trial Conference may be ordered by the Court upon request of a party or its own motion. The order for such conference shall state whether or not parties are to attend.

B. Form of Testimony

Testimony in a contested dissolution proceeding shall be heard orally by the Court, except the testimony of any non-party witness, by agreement upon the parties or with leave of court, may be taken by deposition and introduced at the hearing in lieu of the deponent's oral testimony. The deposition shall be filed in the record pursuant to FCRPP 3(4)(b) or as ordered by the Court.

C. Final Verified Disclosure Statement

A Final Verified Disclosure Statement AOC-239 shall be filed in the record and serve upon the other party pursuant to FCRPP 3(3)(c).

D. Joint Trial Disclosure Statement

The parties shall file in the record a Joint Trial Disclosure Statement (Form FC-5) at least five (5) business days prior to the trial unless the Court orders otherwise.

E. Sanctions

The failure of a party to comply with this Rule may result in such Orders as are just, including, but not limited to, the following:

1. An Order that the matter set forth in the obedient party's statement are to be taken as established;
2. An Order prohibiting the disobedient party from introducing designated matters into evidence;
3. An Order staying further proceedings until the disobedient party or parties have filed the required Statement; and/or,
4. An Order assessing court costs, including attorney fees, against the disobedient party.

RULE 8. STATUS OFFENSES

801. Complaint

A complaint pursuant to KRS Chapter 630, Status Offenders, shall be filed with the Court Designated Workers, located at 100 North Uppers Street, by any adult who has a reasonable basis to lodge such complaint.

802. Court-Designated Worker

Pursuant to KRS 610.030, the Court Designated Worker (CDW) shall have a conference with the party or parties to determine whether to:

- A. Refer the child and family to a public or private social service agency before referring to the Court;
- B. Enter into a diversionary agreement; or
- C. Refer the matter to Court by filing a petition alleging habitual runaway, beyond control, of habitual truant.

803. Documents To Accompany Petitions

If a Petition is filed with the Court, it shall be accompanied by the applicable form as required by FCRPP 40, and the CDW shall certify a copy to the County Attorney, Division of Youth Services (DYS), Department of Juvenile Justice (DJJ) and the Court/School Liaison. This certification shall apply to any orders entered by the Court in the status proceedings.

804. Summons

Summons shall issue to the parent(s) or other person exercising custodial control or supervision upon filing of the petition, setting a date for initial appearance.

805. Initial Hearing

At the initial hearing, the Court shall note the charge, and may place the juvenile on terms until the date set for pretrial, appoint an attorney if needed, and assign the case to Division of Youth Services (DYS) or the Cabinet for Health and Family Services (CHFS) for monitoring. Pursuant to FCRPP 42(1), the Court shall explain to the child on the record his or her rights and the charge and shall utilize AOC-JV-49 Notice of Juvenile Rights and Consequences for Status Offenders.

806. Pretrial

At the pretrial hearing, the juvenile may stipulate to the complaint or seek a hearing on the allegations of the petition. A date shall be set for final disposition at the pretrial.

807. Dispositional Report

At least two (2) business days prior to the disposition hearing, the judge and counsel shall receive a dispositional report to assist in final disposition.

808. Reviews

After disposition, DHS or CHFS may monitor the juvenile's progress, and may seek further review or a violation hearing from the Court if needed.

809. Contempt

Once a juvenile is placed on terms or other orders of the Court, failure to comply with the terms or orders may result in a contempt hearing.

810. Detention

No status offender shall be placed in secure detention unless all requirements of KRS 630.100 and FCRPP 44 have been met.

RULE 9. MISCELLANEOUS

901. Personal Identifiers

- A. All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, and 407 by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted for the record and filing an unredacted copy designated to be sealed.
- B. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.
- C. The clerk of the court shall place a marked envelope for filing sealed documents in each unsealed record filed under the jurisdiction of the Fayette Family Court when the action is commenced or when unredacted documents are filed and have been designated as containing personal identifying information to be sealed. The clerk shall place the unredacted documents in the envelope when filed, and shall not release the envelope to any unauthorized person.
- D. Notwithstanding KRS 403.135, as used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number, and does not apply to names of minor children.

902. Exhibit Retention and Disposal

- A. The Clerk shall take immediate custody of all exhibits introduced and retain same until disposed pursuant to other sections in this rule.
- B. In all family cases the Clerk shall notify the attorneys for the parties that exhibits introduced during any proceeding shall be picked up within 30 days after the time for appeal has expired. If the attorneys do not pick up the exhibits within that time, the Clerk shall dispose of the exhibits pursuant to the Court of Justice Records Retention Schedule maintained by the Administrative Office of the Courts or as ordered by the Court.
- C. Exhibits that are too bulky to be included with the transcript on appeal shall be retained by the Clerk until the final appeal has been decided after which they shall be disposed in accordance with the foregoing procedure.

- D. Notwithstanding any provision to the contrary, the parties with the Court's approval may agree in a family case for an exhibit or exhibits to be returned to a party or other entity and to be retained by the party or other entity pursuant to the agreement of the parties.

903. Interpreter Services in Court

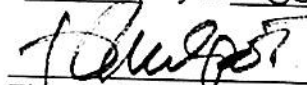
- A. Pursuant to Part IX of the Administrative Procedures of the Court of Justice, each county shall appoint a contact person to be responsible for communicating the need for staff interpreter or freelance interpreter services to the AOC Court Interpreting Services Division. The contact person for Fayette Family Court is Beth Combs, Family Court Administrator. (See information below.) Requests for interpreters shall be submitted either by phone, fax or email one (1) week prior to the date interpreting services is needed.

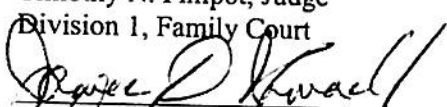
Beth Combs, Family Court Administrator, 120 North Limestone, Lexington, KY 40507
859-246-2789 office, 859-246-2790 fax, bethcombs@kycourts.net


904. Appeals

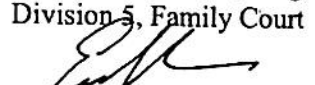
- A. In a Family Court matter over which Circuit Court has jurisdiction, any appeal shall proceed by the Rules of Civil Procedure to the Court of Appeals.
- B. If an appeal is from a proceeding in which there is only an audio recording, the appellant shall request from the Clerk of the Appeals Division a video stream recording of the proceedings to certify on appeal. There shall be a fee for the recording and for mailing in accordance with Kentucky Circuit Court Clerks Accounting Manual.

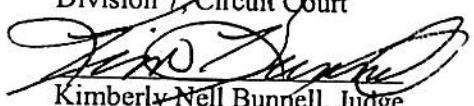
This the 2nd day of October, 2012



Timothy N. Philpot, Judge
Division 1, Family Court

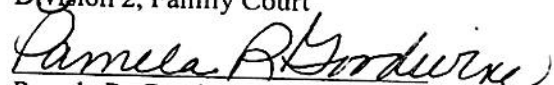

James D. Ishmael, Jr. Judge
Division 3, Circuit Court

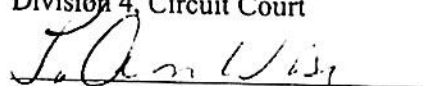

Lucinda Masterton, Judge
Division 5, Family Court

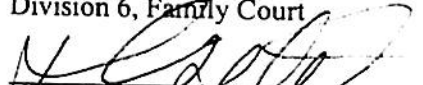

Ernesto Scorsone, Judge
Division 7, Circuit Court


Kimberly Nell Bunnell, Judge
Division 9, Circuit Court


John P. Schrader, Judge
Division 2, Family Court


Pamela R. Goodwine, Judge
Division 4, Circuit Court


Jo Ann Wise, Judge
Division 6, Family Court


Thomas L. Clark, Judge
Division 8, Circuit Court

APPENDIX A TABLE OF FAYETTE FAMILY COURT FORMS

Form	Description
FC-1	Entry of Appearance
FC-2	Affidavit of Non-Defaulting Party for Submission
FC-3	Written Deposition
FC-4	Joint Affidavit
FC-5	Joint Trial Disclosure Statement
FC-6	CAP Order
FC-7	Friend of the Court Referral Order
FC-8	Supervised Visitation / Supervised Exchanges Order
FC-9	Fayette Family Court Timesharing / Parenting Guidelines

NOTICE: THESE FORMS ARE SET FORTH WITH THE UNDERSTANDING THAT THESE FORMS DO NOT FURNISH LEGAL ADVICE AND ARE NOT A SUBSTITUTE FOR LEGAL ADVICE. THE SERVICES OF AN ATTORNEY SHOULD BE EMPLOYED IN CONNECTION WITH THE USE OF THESE FORMS. NON-ATTORNEYS ARE CAUTIONED AGAINST USING THESE FORMS ON BEHALF OF OTHERS OR OTHERWISE USING THESE FORMS IN A MANNER WHICH MIGHT BE CONSIDERED THE UNAUTHORIZED PRACTICE OF LAW.

APPENDIX B

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL 22ND JUDICIAL CIRCUIT AND DISTRICT FAYETTE COUNTY

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.
- B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.
- E. Cases may be reassigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.
- F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available.

II. Twenty-Four Hour Accessibility

- A. All petitions for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) shall be filed with the Fayette District Court Domestic Violence Office located at 150 N. Limestone Street, Suite D-466 Lexington between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday or after hours with the District Court Fines Room Clerk located at 150 N. Limestone Street, Suite D-157, Lexington.
- B. The Circuit Court Clerk or their designee is authorized to take the petition and administer the oath to the Petition pursuant to the Kentucky Circuit Court Clerk's manual and KRS 403.725.
- C. EPO and TIPO Petitions shall be presented to the Family Court Judge on duty for the week. If the on duty Family Court Judge is out of the office, and/or will be unavailable for more than one (1) hour, the Petition will be presented to any available Family Court Judge. EPO Petitions involving ANY Family Court contact shall be assigned to that Family Court division. EPO Petitions involving a party with no previous Family Court contact shall be randomly assigned to a Family Court division by the Circuit Court Clerk.

III. Assignment of Cases

- A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.
- B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.
- C. The circuit clerk shall assign *domestic violence hearings and interpersonal protective order cases* to the Family Court.
- D. If an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order is issued, the Circuit Court Clerk shall file the Petition as a domestic violence "D" case in Family Court and schedule a Domestic Violence hearing with the appropriate Family Court Judge.
- E. At the time the domestic case is opened, the Circuit Court Clerk shall check the index of Family Court Cases to ascertain if a Family Court case exists. If it is determined that a Family Court case exists, the Circuit Court Clerk shall cross-reference the "D" case with the Family Court case(s).

- F. If a Domestic Violence Order (DVO) is issued, upon entry, the Circuit Court Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.
- G. The schedule for hearings on protective orders is as follows:

First Division:	8:30 am on Wednesdays
Second Division:	8:30 am on Tuesdays
Fifth Division:	8:30 am on Mondays
Sixth Division:	8:30 am on Thursdays
- H. The Family Court may schedule other dates for hearings on protective orders as needed.
- I. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRD 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing Judge shall re-issue a summons until the matter may be heard by the receiving Judge.

IV. Dissolution or Custody Proceeding in Another County

- A. When it has been established by the Family Court that a dissolution or custody proceeding is pending in another county, the reviewing Judge shall first determine whether an EPO should be issued.
- B. If an EPO issued, the Domestic Violence action shall be transferred to the county where the dissolution or child custody proceeding is pending, provided that the Circuit Court Clerk can schedule a hearing in the other county before the EPO expires.
- C. If a hearing cannot be scheduled prior to the expiration of the EPO, the Circuit Court Clerk shall present the EPO to any available Family Court Judge for a period not to exceed fourteen (14) days until such time as the case can be heard in another county.

V. Contempt Proceedings

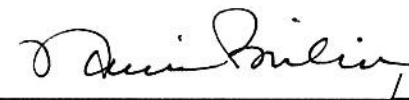
- A. Upon verified allegations of the violation of an EPO or DVO, a show cause order shall issue setting a date, time and place where the Respondent shall appear to show cause why he or she should not be held in contempt for the violation.
- B. Once the date for a show cause hearing is set, the court shall appoint counsel, if the Respondent is indigent, or permit the Respondent to obtain counsel, if not, before conducting a hearing.
- C. Any person found to be in contempt of an EPO or DVO in a Domestic Violence proceeding shall be subject to all penalties appropriate for contempt, including incarceration.

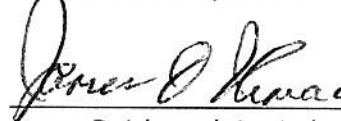
- D. All civil violations shall be heard by the Family Court, and all misdemeanor criminal violations shall be heard by the District Court. Pursuant to KRS 403.765(5) civil and criminal proceedings for violation of a protective order shall be mutually exclusive. After a proceeding has been initiated the other shall not undertaken regardless of the outcome of the original proceeding.

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.


The above protocol is adopted by all judicial officers in the circuit:

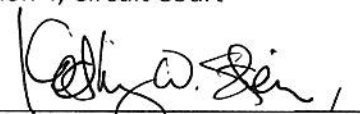
 1/9/17
Timothy P. Hipot, Judge Date
Division 1, Family Court


 1/10/16
Traci Boyd, Judge Date
Division 2, Family Court

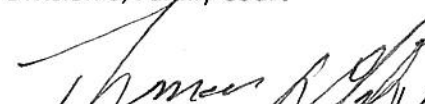
 1/17/17
James D. Ishmael, Jr., Judge Date
Division 3, Circuit Court

 1-4-17
Pamela R. Goodwine, Judge Date
Division 4, Circuit Court

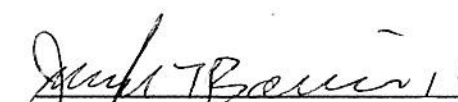
 1/18/17
Lucinda Masterton, Judge Date
Division 5, Family Court

 1/4/17
Kathy Stein, Judge Date
Division 6, Family Court

 1/9/17
Ernesto Scorsone, Judge Date
Division 7, Circuit Court

 1-4-17
Thomas L. Clark, Judge Date
Division 8, Circuit Court

 1-4-17
Kimberly Nell Bunnell, Judge Date
Division 9, Circuit Court

 1/3/17
Joseph T. Bouvier, Judge Date
Division 1, District Court

 1/13/17
T. Bruce Bell, Judge Date
Division 2, District Court

 1-3-17
Kim M. Wilkie, Judge Date
Division 3, District Court

 1/3/17
Julie Muth Goodman, Judge Date
Division 4, District Court

 1/3/17
Megan Lake Thornton, Judge Date
Division 6, District Court

APPENDIX C TIMESHARING/PARENTING GUIDELINES

FAYETTE FAMILY COURT TIMESHARING / PARENTING GUIDELINES

The following schedules are suggested as **guidelines** for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and the **final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest**. Parents shall:

I. BEHAVIOR

- A. Realize that these Guidelines require both parents to put the child(ren)'s needs ahead of their own, to actually utilize the timeshare granted, and to be responsible for getting the child(ren)'s homework and other activities done during that parent's time with the child(ren).
- B. Understand that there may be circumstances from time to time with regard to work schedules and/or activities of the child(ren) which require flexibility and cooperation, and that changes in the scheduling may be required.
- C. Not send written or verbal messages to each other through the child(ren).
- D. Keep the other parent advised as to current residential address, business address, email address, telephone numbers for home, work, mobile, fax and pager for the purpose of notification unless otherwise ordered by the Court.
- E. Not schedule activities for the child(ren) when the child(ren) are to be with the other parent, without first consulting with the other parent.
- F. Cooperate to ensure that the child(ren) have appropriate clothing and other personal items at both parents' residence.

II. TRAVEL

- A. Be responsible to pick up the child(ren) from the other parent's residence, school or daycare when assuming physical custody of the child(ren) unless otherwise ordered by the Court.
- B. Not unreasonably object to assistance in transportation by responsible third parties.
- C. Not turn over the child(ren) to an intoxicated individual.
- D. Ensure that every child is secured in an appropriate child restraint system when transporting the child(ren).
- E. Be prompt when picking up or dropping off the child(ren). However, each parent is entitled to a 15-minute grace period. After this grace period, the parents shall continue with their daily activities, and the timesharing is forfeited for that day.

III. SCHOOL / HEALTH

- A. Have the right and responsibility to obtain schedule and activity information regarding the child(ren)'s school, daycare, healthcare or any other organized activity from any third party.
- B. Have the opportunity to complete and view the school information for the child(ren), including emergency contact information, and persons allowed to pick up the child(ren) from school. Both parents shall be listed on all information with the school.
- C. Keep the other parent advised as to the child(ren)'s serious illness or any other major development, whether medical, educational or otherwise.

IV. **RELOCATION**

- A. Provide the other parent 60 days' written notice of any intended relocation that would impact the current timesharing of the non-relocating party, in order to facilitate a review of current timesharing arrangements by the court.

V. **MISCELLANEOUS**

- A. Realize that these Guidelines are not suited to every set of circumstances and that they should only be used as a starting point for discussion between parties.
- B. Realize that parents are encouraged to draft mutually suitable specific timesharing arrangements and to make continued agreed adjustments as needed.
- C. Realize that these Guidelines can only be enforced if Court ordered.
- D. Realize that these Guidelines assume that both parents reside in Fayette or an adjacent county. These Guidelines will not address all of the appropriate terms for timesharing of parents who do not live within a reasonable proximity of one another.
- E. Realize that these Guidelines will apply only in cases where both parents have been actively involved in the child(ren)'s lives for a significant amount of time. The Guidelines would not be appropriate for cases in which the parents have been separated for so long that one parent is a stranger to the child(ren).
- F. Realize that timesharing in accordance with these Guidelines, or timesharing of less than these Guidelines, shall not be the basis for a motion to reduce child support or deviate from the child support Guidelines.

**TIMESHARING SCHEDULE FOR
PARENTS OF CHILDREN TWO YEARS OLD OR OLDER**

- A. **WEEKENDS / SCHOOL WEEK:** Unless otherwise agreed, Parent A shall have the child(ren) on alternate WEEKENDS from 6:00 p.m., or if appropriate, from the time school or daycare ends on Friday until Sunday evening at 6:00 p.m., or if appropriate, until school resumes on Monday, depending on the parties' circumstances. If there are additional days off from school creating a three or four-day weekend, those additional days shall also be included as part of that weekend. In addition, the child(ren) shall be with Parent A each Tuesday or Thursday from the time school ends until 7:30 p.m., or until school resumes the following day, if appropriate. Parent B shall have the child(ren) all other times. This schedule shall not change throughout the year.
- B. **SPRING BREAK:** The parents shall alternate timesharing for Spring Break each year from the time school ends until 6:00 p.m. on the Sunday evening before school resumes. Parent A shall have timesharing with the child(ren) in even numbered years and Parent B shall have timesharing with the child(ren) in odd numbered years.
- C. **MOTHER'S DAY & FATHER'S DAY:** The child(ren) shall spend this time with the appropriate parent from 9:00 a.m. Sunday until school resumes, or 9:00 a.m. Monday if appropriate. These days shall supersede all other schedules.
- D. **SUMMER BREAK:** Summer timesharing shall be divided equally in alternating one-week periods beginning on the Friday before the first full week that school is not in session. The parent that is scheduled for timesharing on that Friday evening shall have the first summer period. Exchanges shall occur each Friday at 6:00 p.m.

Each parent may have one of the other parent's weekends each summer for the exclusive purpose of extending a week into nine days in order to enjoy a vacation with the child(ren). Written notice of the dates of this nine-day time shall be given by each parent to the other parent prior to May 1 of each year.

If the child(ren) spend substantially more time in the home of one parent during the school year, the child(ren) should return to that parent's home approximately one week before school resumes to prepare for the upcoming school year. The parents may have to adjust the schedule to accomplish this and to still divide the summer timesharing equally.

- E. **THANKSGIVING BREAK:** The parents shall alternate timesharing for Thanksgiving Break each year from the time school ends until 6:00 p.m. on the Sunday evening before school resumes, or Monday morning after the break, if appropriate. Parent A shall have timesharing with the child(ren) in odd numbered years and Parent B shall have timesharing with the child(ren) in even numbered years.
- F. **DECEMBER BREAK:** In even-numbered years, Parent A shall have timesharing with the child(ren) from the time school ends in December until December 25th at 5:00 p.m., and Parent B shall have timesharing with the child(ren) from December 25th at 5:00 p.m. until school resumes. In odd-numbered years, Parent B shall have timesharing with the child(ren) from the time school ends in December until December 25th at 5:00 p.m., and Parent A shall have timesharing with the child(ren) from December 25th at 5:00 p.m. until school resumes.
- G. **BIRTHDAYS:** No adjustments to the schedule shall be given for birthdays of the child(ren) or of either parent.
- H. **OTHER HOLIDAYS:** No adjustments to the schedule shall be given for any other holidays, including but not limited to July 4th, Memorial Day, Halloween/Trick or Treat evening, or Labor Day.
- I. **EFFECT OF PARAGRAPHS B-H ON PARAGRAPH A:** Timesharing pursuant to these Guidelines may result in one parent spending several weekends in a row with the child(ren).

TIMESHARING SCHEDULE FOR PARENTS OF CHILDREN UNDER TWO YEARS OF AGE

Children Less Than Two Years Old shall spend at least two 24-hour periods each week with Parent A. This time shall be as follows:

Each week, Tuesday from 6:00 p.m. to Wednesday at 6:00 p.m., and
For the first week, from Friday at 6:00 p.m. until Saturday at 6:00 p.m.; and the following week,
from Thursday at 6:00 p.m. until Friday at 6:00 p.m.

The fact that a child is nursing is not necessarily a reason to deviate from this Guideline. The purpose of this provision is to encourage significant time with both parents and any deviation from this Guideline shall be consistent with this purpose.